

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK

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MARK T. DUBLINO,

Plaintiff,

v.

JAMES THOMAS, et al.,

Defendants.

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DECISION & ORDER

18-CV-6010L

On January 4, 2018, *pro se* plaintiff Mark T. Dublino (“plaintiff”) commenced this action against the defendants pursuant to 42 U.S.C. § 1983 alleging claims for excessive force and failure to protect in violation of the Eighth Amendment. (Docket # 12). Currently pending before this Court is plaintiff’s fifth motion seeking appointment of counsel. (Docket # 78). Plaintiff’s previous requests for appointment of counsel have all been denied. (Docket # 29, 31, 49, 67). Plaintiff’s current motion does not present any information to alter this Court’s previous determinations. Accordingly, for the reasons in the previous Decisions & Orders (Docket # 29, 31, 49, 67), plaintiff’s request for the appointment of counsel (**Docket # 78**) is **DENIED without prejudice** at this time. It is the plaintiff’s responsibility to retain an attorney or press forward with this lawsuit *pro se*. 28 U.S.C. § 1654.

**IT IS SO ORDERED.**

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*s/Marian W. Payson*  
MARIAN W. PAYSON  
United States Magistrate Judge

Dated: Rochester, New York  
October 31, 2019